

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE ALHAMBRA, CALIFORNIA 91803-1331

http://dpw.lacounty.gov

ADDRESS ALL CORRESPONDENCE TO: P.O. BOX 1460 ALHAMBRA, CALIFORNIA 91802-1460

September 15, 2015

The Honorable Board of Supervisors County of Los Angeles 383 Kenneth Hahn Hall of Administration 500 West Temple Street Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS COUNTY OF LOS ANGELES

44 September 15, 2015

PATRICK OZAWA

ACTING EXECUTIVE OFFICER

QUITCLAIM DEED AND AGREEMENT
FROM THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
FOR BULL CREEK PARCELS 288EXE, 288EXE.1, AND 288D
IN THE CITY OF LOS ANGELES
(SUPERVISORIAL DISTRICT 5)
(3 VOTES)

SUBJECT

This action will allow the Chief Engineer of the Los Angeles County Flood Control District or her designee to terminate various agreements with the City of Los Angeles Department of Water and Power related to the operation and maintenance of flood control improvements located within the City's Van Norman Reservoir Complex and to quitclaim related easements to the City.

IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

- 1. Find this action categorically exempt from the provisions of the California Environmental Quality Act.
- 2. Find the easement in portions of Bull Creek Parcels 288EXE and 288EXE.1 and the License for Bull Creek Parcel 288D are no longer required for the purposes of the Los Angeles County Flood Control District.
- 3. Approve the quitclaim of easements affecting Bull Creek Parcels 288EXE and 288EXE.1, located within the City of Los Angeles, to the City of Los Angeles on behalf of the Los Angeles Department of Water and Power.

The Honorable Board of Supervisors 9/15/2015 Page 2

- 4. Approve the termination of Agreement No. 16184 and its supplement, with the City of Los Angeles, and the termination of the license with the City of Los Angeles affecting Bull Creek Parcel 288D.
- 5. Delegate authority to the Chief Engineer of the Los Angeles County Flood Control District or her designee to sign and authorize delivery to the City of Los Angeles a Quitclaim Deed and Agreement document that will memorialize the quitclaim of the easements affecting Bull Creek Parcels 288EXE and 288EXE.1 and the termination of Agreement No. 16184, its supplement, and the license affecting Bull Creek Parcel 288D.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to transfer the responsibility for the operation and maintenance of the flood control facilities located in the City of Los Angeles' Van Norman Reservoir Complex (Complex) from the Los Angeles County Flood Control District (LACFCD) to the Los Angeles Department of Water and Power (LADWP).

In 1970 LACFCD entered into Agreement No. 16184 with LADWP, in which LACFCD agreed to take responsibility for the operation and maintenance of certain flood control improvements in the Complex, including a retention basin, a flood control channel, and a stilling basin. LADWP subsequently granted easements to LACFCD for these facilities.

In 1971 LACFCD and LADWP executed a supplement to Agreement No. 16184 to repair flood control facilities within the Complex resulting from the earthquake on February 9, 1971.

In 1977, LACFCD obtained a license from LADWP to convey flood waters through a spillway extension owned by LADWP within the Complex.

LADWP is currently implementing a project to reconfigure the flood control improvements within the Complex, including the retention basin, the flood control channel and spillway extension, and has proposed to take over responsibility for the operation and maintenance of all flood control improvements within the Complex except for the stilling basin.

In order to effect this transfer, it is necessary to terminate Agreement No. 16184, its supplement, and the license for the spillway extension and to quitclaim the easements for the retention basin and flood control channel through the Complex, as provided for in the enclosed Quitclaim Deed and Agreement.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness/Fiscal Sustainability (Goal 1). The quitclaim of the easements will eliminate the need to maintain the property and reduce LACFCD's expenses while ensuring the same level of flood protection.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund. The recommended actions will reduce future LACFCD maintenance expenses.

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FACTS AND PROVISIONS/LEGAL REQUIREMENTS

LACFCD, as a part of its overall drainage evaluation of the north central San Fernando Valley in the early 1960s, approached LADWP with a proposal to increase the capacity and modify the function of the Bull Creek Retention Basin. An agreement (Agreement No. 16184) was reached pursuant to which LADWP would finance the improvements and LACFCD would design, construct, and maintain the upgraded facility. LADWP retained responsibility for the operation and maintenance of the Van Norman Reservoir Spillway Extension, located along the flood control channel within the Complex.

Bull Creek Retention Basin and its appurtenant structures were under construction when the 1971 San Fernando Earthquake occurred. A supplemental agreement to Agreement No. 16184 was signed in 1971 to repair the damages caused to the Bull Creek Retention Basin by the earthquake. Construction was completed in 1972. LADWP also granted LACFCD a license in 1977 to convey flood control waters through the spillway extension along with an easement for ingress-egress within the Complex.

LADWP is currently implementing a project to modify the retention basin and other flood control facilities within the Complex to comply with the California Regional Water Quality Control Board mandate of Long Term 2 Enhanced Surface Water Treatment Rule, which requires covering and preventing stormwater runoff from spilling and contaminating open drinking water reservoirs. Under the prior configuration, storm runoff from the retention basin could spill into the Los Angeles Reservoir, an open drinking water reservoir serving as one of the main drinking water source for the City of Los Angeles.

LADWP has proposed to assume the responsibility for the operation and maintenance of the reconfigured flood control improvements within the Complex except the stilling basin. LADWP has the experience, expertise, and financial resources to reliably operate and maintain the flood control improvements within the Complex and has agreed to certain conditions, contained in the Quitclaim Deed and Agreement document, intended to help ensure LADWP's operation and maintenance of the improvements within the Complex will be consistent with LACFCD's regional flood control objectives.

The proposed quitclaim of easement is authorized by Section 2, subsection 13, of the Los Angeles County Flood Control Act. This section provides as follows:

"The Los Angeles County Flood Control District hereby declared to be a body corporate and politic, and has all the following powers...13. To . . . dispose of any property (or any interest therein) whenever in the judgment of the board of supervisors of the property, or any interest therein or any part of thereof, is no longer required for the purposes of the district..."

The Quitclaim Deed and Agreement document has been reviewed and will be approved by County Counsel prior to execution and recording by LACFCD.

ENVIRONMENTAL DOCUMENTATION

This transaction is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15312 of the CEQA Guidelines, and Class 12 of the Environmental Reporting Procedures and Guidelines of the County of Los Angeles adopted by the Board on November 17, 1987. This exemption provides for the sale of surplus government properties.

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IMPACT ON CURRENT SERVICES (OR PROJECTS)

This action will eliminate the need to maintain these parcels and will reduce LACFCD's expenses and exposure to potential liability.

CONCLUSION

Please return one adopted copy of this letter to the Department of Public Works, Survey/Mapping & Property Management Division.

Respectfully submitted,

Hail Farlier

GAIL FARBER

Director

GF:SGS:tw

Enclosures

c: Auditor-Controller (Accounting Division - Asset Management)
Chief Executive Office (Rochelle Goff)
County Counsel
Executive Office

RECORDING REQUESTED BY AND MAIL TO:

DUPLICATE

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS P.O. Box 1460 Alhambra, CA 91802-1460 Attention Survey/Mapping & Property

Management Division

Title & Escrow Section

Space Above This Line Reserved for Recorder's Use

THIS DOCUMENT IS EXEMPT FROM DOCUMENTARY TRANSFER TAX PURSUANT TO SECTION 11922 OF THE REVENUE & TAXATION CODE.

THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUANT TO SECTION 27383 OF THE GOVERNMENT CODE.

Assessor's Identification Number: 2605-001-909 (Portion)

QUITCLAIM DEED AND AGREEMENT

	THIS QU	ITCLAIM DEEI	O AND A	AGREEMENT	, made ar	nd er	ntere	d into this	s			
day	of		2015	(hereinafter	referred	to	as	DEED),	by	and	betweer	1
the L	os Angeles	County Flood	Control	District, a bod	ly corporat	te an	d po	litic (herei	nafte	r refe	rred to as	S
DIST	RICT), and	the City of Lo	os Ange	les, a munici _l	pal corpor	ation	ı, on	behalf of	f the	Depa	rtment o	f
Water and Power (hereinafter referred to as DEPARTMENT).												

RECITALS

WHEREAS, on March 26, 1970, and April 7, 1970, DEPARTMENT and DISTRICT, respectively, entered into an agreement (Agreement No. 16184) for the enlargement and reconstruction by DISTRICT of a retention basin (Bull Creek Retention Basin, also known as Lower Debris Basin), a flood control channel (Upper Bull Creek Channel), a Stilling Basin located within the DEPARTMENT's Van Norman Reservoir Complex (Complex), and the transfer of those facilities to the DISTRICT for future operation and maintenance; and

WHEREAS, Agreement No. 16184 also provided for DEPARTMENT to retain the Van Norman Lakes reservoir system's spillway extension (Spillway Extension) located between the Upper Bull Creek Channel and the Stilling Basin; and

WHEREAS, on August 3, 1971, and July 22, 1971, DEPARTMENT and DISTRICT, respectively, executed a supplement to Agreement No. 16184 (Supplement), pertaining to the repair of facilities within the Complex resulting from the earthquake of February 9, 1971; and

BULL CREEK 288EXE Includes Parcel 288EXE.1 3-RW 13.2, 13.3, and 14 I.M. 204-137 and 219-137 S.D. 5 H093 T.G. 481 (E5, E6, E7, and F7) Project ID No. MPR0000659

P:TITLE:QCD & AGMT-BULL CREEK 288

QUITCLAIM DEED AND AGREEMENT by and between the Los Angeles County Flood Control District and the City of Los Angeles, on behalf of the Department of Water and Power BULL CREEK 288EXE AND 288EXE.1 Page 2

WHEREAS, on May 26, 1977, DEPARTMENT granted DISTRICT a License to allow the DISTRICT to use the Spillway Extension to convey flood waters from the Bull Creek Retention Basin and Upper Bull Creek Channel to the Stilling Basin; and

WHEREAS, on August 25, 1977, in Instrument No. 77-937828, DEPARTMENT granted DISTRICT an easement for flood control and ingress and egress purposes, for the Bull Creek Retention Basin, the Upper Bull Creek Channel, and the Stilling Basin; and

WHEREAS, DISTRICT currently operates and maintains the Bull Creek Retention Basin, the Upper Bull Creek Channel, and the Stilling Basin, and also operates and maintains a flood control channel located immediately downstream of the Stilling Basin (Lower Bull Creek Channel); and

WHEREAS, DEPARTMENT currently desires to implement a project to modify the Bull Creek Retention Basin and the other drainage and flood control facilities within the Complex, including the realignment of the Upper Bull Creek Channel to bypass the Bull Creek Retention Basin, the construction of a diversion structure to the Lower San Fernando Detention Basin, which is the impoundment area behind the Lower San Fernando Dam; and other related works (the Project); and

WHEREAS, the Project is necessary to prevent stormwater from spilling into and contaminating the Los Angeles Reservoir, a drinking water reservoir, within the Complex; and

WHEREAS, DEPARTMENT has performed hydrologic studies for the Project, which have been submitted to and reviewed by DISTRICT, and which indicate the maximum peak discharge for the 50-Year Design Storm (District's Capital Flood) at the confluence of the Lower Bull Creek Channel and Lower San Fernando Dam Outlet (Confluence Point) will not exceed 1,983 cubic feet per second; and

WHEREAS, Bull Creek Retention Basin will no longer function as a retention basin at the completion of the Project, and DEPARTMENT will utilize the water storage capacity within Lower San Fernando Detention Basin in lieu of the Bull Creek Retention Basin to attenuate stormwater flows tributary to Lower Bull Creek Channel; and

WHEREAS, due to the DISTRICT's opposition to taking over the operation and maintenance responsibilities for the Lower San Fernando Detention Basin, DEPARTMENT has proposed that DISTRICT transfer the Bull Creek Retention Basin and the Upper Bull Creek Channel to DEPARTMENT.

NOW, THEREFORE, in consideration of the foregoing recitals, the mutual agreements contained herein, and for other good and valuable consideration, the receipt of which are hereby acknowledged, the parties agree as follows:

QUITCLAIM DEED AND AGREEMENT by and between the Los Angeles County Flood Control District and the City of Los Angeles, on behalf of the Department of Water and Power BULL CREEK 288EXE AND 288EXE.1 Page 3

1. TERMINATION OF AGREEMENT NO. 16184 AND THE LICENSE:

Upon execution of DEED, Agreement No. 16184, the Supplement, and the License shall terminate, and neither party shall have any further obligation in connection with Agreement No. 16184, the Supplement, and the License.

2. QUITCLAIM OF EASEMENTS:

DISTRICT does hereby remise, release, and forever quitclaim and convey to DEPARTMENT, and DEPARTMENT does hereby accept all right, title, and interest in and to all that real property and improvements thereon, in the City of Los Angeles, County of Los Angeles, State of California, described in Exhibit A and shown on and delineated on Exhibit B, both of which are attached hereto and by this reference made a part hereof, subject to the following conditions:

- a. DEPARTMENT shall assume all maintenance and operational responsibilities for the Bull Creek Retention Basin and the Upper Bull Creek Channel, including dam-safety monitoring of Bull Creek Retention Basin, and DISTRICT shall no longer have any responsibility for these facilities.
- b. DISTRICT retains the easement for ingress and egress, described as Parcel 288C in Document No. 77-937828, recorded on August 25, 1977, for the purpose of maintaining, repairing, improving, modifying, or inspecting the Stilling Basin or any of the DISTRICT's facilities located downstream of the Stilling Basin. DEPARTMENT shall keep the roads that lead to the Stilling Basin properly maintained and clear of obstructions, at all times.
- c. DEPARTMENT shall design, construct, and maintain the Project so that the maximum discharge from the District's Capital Flood, at the Confluence Point, shall not exceed 1,983 cubic feet per second.
- d. DEPARTMENT shall not make any future improvements or modifications to any facility within the Complex that would result in the maximum discharge from the District's Capital Flood, at the Confluence Point, exceeding 1,983 cubic feet per second, without the prior written approval of DISTRICT. DEPARTMENT shall request DISTRICT's approval of any such future project, improvement, or modification at least 180 days prior to the date DEPARTMENT desires to commence construction activities.
- e. DEPARTMENT shall comply with all Federal, State, and local laws and ordinances when discharging to the Stilling Basin or Lower Bull Creek Channel, including all applicable provisions of the Los Angeles County Flood Control District Code.
- f. DEPARTMENT shall obtain a Flood Control Permit from DISTRICT prior to discharging non-emergency potable water, or other nonstormwater, to the Stilling Basin or Lower Bull Creek Channel. In addition to safeguarding the health and safety of DISTRICT personnel and

QUITCLAIM DEED AND AGREEMENT by and between the Los Angeles County Flood Control District and the City of Los Angeles, on behalf of the Department of Water and Power BULL CREEK 288EXE AND 288EXE.1 Page 4

potential interruptions to DISTRICT operations, the Flood Control Permit is also intended to address the quality of discharges entering DISTRICT's facilities. Therefore, the Flood Control Permit will include provisions to reflect applicable National Pollutant Discharge Elimination System Permit(s), including, where appropriate, provisions to require monitoring of the discharge at the expense of DEPARTMENT. DISTRICT reserves the right to deny any application for a non-emergency nonstormwater discharge due to water quality, operational, or safety concerns.

- g. DEPARTMENT's water and power facilities may cross over, or under, or be parallel to DISTRICT's easement within the Complex areas as long as the flow and maintenance access to the Stilling Basin and Lower Bull Creek Channel are not impeded or hindered.
- h. DEPARTMENT shall indemnify DISTRICT and County of Los Angeles, a body corporate and politic (County), and hold DISTRICT and County harmless from and against any and all claims, expenses (including court costs and reasonable attorneys' and expert witness fees), demands, liabilities, losses, and causes of action, of whatsoever nature or character, for injury, illness, death, or loss of or damage to property, which arise out of, or is in any way connected to, DEPARTMENT's use, operation, maintenance, modification, or removal of any drainage or flood control facilities within the Complex, including the diversion structure to the Lower San Fernando Detention Basin, and the Lower San Fernando Dam, but excluding the Stilling Basin and DEPARTMENT's failure to keep the roads that lead to the Stilling Basin properly maintained and clear of obstructions, at all times (Department-Related Claim). If DISTRICT or County determines that any claim, expense, demand, liability, loss, or cause of action, received by it, constitutes a Department-Related Claim, DISTRICT or County shall provide DEPARTMENT with notice of such Department-Related Claim within ten (10) business days. DEPARTMENT shall have the right to defend DISTRICT and County from and against any such Department-Related Claim provided that, if DEPARTMENT elects to do so, DEPARTMENT shall provide notice thereof to DISTRICT or County within 20 business days of receiving the notice of the Department-Related Claim. DEPARTMENT shall defend DISTRICT or County against such Department-Related Claim, and shall retain the right and discretion to approve any settlement or disposition, and DISTRICT and County shall cooperate in implementing the settlement or disposition approved by DEPARTMENT.
- i. DISTRICT shall indemnify and hold harmless DEPARTMENT from and against any and all claims, expenses (including court costs and reasonable attorneys' and expert witness fees), demands, liabilities, losses, and causes of action, of whatsoever nature or character, for injury, illness, death, or loss of or damage to property, which arise out of, or is in any way connected to DISTRICT's use, operation, or maintenance of the Stilling Basin (District-Related Claim). If DEPARTMENT determines that any claim, expense, demand, liability, loss, or cause of action, received by it, constitutes a District-Related Claim, DEPARTMENT shall provide DISTRICT with notice of such District-Related Claim within ten (10) business days. DISTRICT shall have the right to defend DEPARTMENT from and against any such Department-Related Claim provided that, if DISTRICT elects to do so, DISTRICT provides notice thereof to

QUITCLAIM DEED AND AGREEMENT by and between the Los Angeles County Flood Control District and the City of Los Angeles, on behalf of the Department of Water and Power BULL CREEK 288EXE AND 288EXE.1 Page 5

DEPARTMENT within 20 business days of receiving the notice of the District-Related Claim. DISTRICT shall defend DEPARTMENT against such District-Related Claim and shall retain the right and discretion to approve any settlement or disposition and DEPARTMENT shall cooperate in implementing the settlement or disposition approved by DISTRICT.

IN WITNESS WHEREOF, Los Angeles County Flood Control District, a body corporate and politic, and the City of Los Angeles, a municipal corporation, on behalf of the Department of Water and Power, have caused this QUITCLAIM DEED AND AGREEMENT to be executed by their respective officers as of the day, month, and year first written above.

Pursuant to the authority delegated onBoard of Supervisors of the Los Angeles County Floor AGREEMENT has been executed on behalf of said Los Angeles Department of Public Works on the	d DISTRICT by the Director of the County of
LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic	CITY OF LOS ANGELES, a municipal corporation DEPARTMENT OF WATER AND POWER
GAIL FARBER Director of Public Works	
	Ву
BySTEVEN G. STEINHOFF Assistant Deputy Director Survey/Mapping & Property Management Division	APPROVED AS TO FORM:
APPROVED AS TO FORM:	ByCity Attorney
MARY WICKHAM Interim County Counsel	
By	

ACKNOWLEDGMENT FORM A notary public or other officer completing this certificate verifies only the identity of the individual who signed the						
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document. STATE OF CALIFORNIA)						
) ss.						
COUNTY OF)						
On, before me,, Notary Public, (insert title of the officer)						
personally appeared						
(insert name(s) and title(s))						
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.						
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.						
WITNESS my hand and official seal.						
Signature						
(Seal)						
NOTARIES: ATTACH ADDITIONAL OR OTHER FORMS, IF REQUIRED						
ACKNOWLEDGMENT FORM						
(FOR COUNTY USE ONLY) A notary public or other officer completing this certificate verifies only the identity of the individual who signed the						
document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document. STATE OF CALIFORNIA)						
)ss. COUNTY OF LOS ANGELES)						
hafara ma DEAN C LOGAN Registrar-Recorder/County Clerk of the County of						
WIIO						
Los Angeles, personally appeared						
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.						
WITNESS my hand and official seal.						
DEAN C. LOGAN, Registrar-Recorder/ County Clerk of the County of Los Angeles						
By						
Deputy County Clerk						
APPROVED as to title and execution,						
, 20						
, 20 DEPARTMENT OF PUBLIC WORKS Survey/Mapping & Property Management Division						
, 20						

CERTIFICAT	TE OF ACCEPTANCE
District, a body corporate and politic, to the hereby accepted by order of the Board of Los Angeles by the undersigned officer of the City of Los Angeles pu	eal property conveyed by the deed or grant dated _, from the Los Angeles County Flood Control City of Los Angeles, a municipal corporation, is Water and Power Commissioners of the City of on behalf of said Board of Water and Power rsuant to authority conferred by Resolution No. 90 1989, and the grantee consents to the recordation
Dated	By MARCIE L. EDWARDS General Manager

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EXHIBIT A

Includes:

BULL CREEK 288EXE Parcel No. 288EXE.1

3-RW13.2, 13.3, and 14 A.I.N. 2605-001-909 (Portion) T.G. 481 (E5, E6, E7, & F7) I.M. 204-137 and 219-137

S.D. 5 H093

LEGAL DESCRIPTION

PARCEL NO. 288EXE (Quitclaim of easement):

That certain parcel of land in Lot A, Tract No. 3663, as shown on map recorded in Book 38, pages 98 and 99, of Maps, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, described as Parcel No. 288A, in deed to LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, recorded on August 25, 1977, as Document No. 77-937828, of Official Records, in the office of the Registrar-Recorder/County Clerk of said county.

Containing: 34.89± acres.

PARCEL NO. 288EXE.1 (Quitclaim of a portion of easement):

Part (b) and Part (c) of that certain parcel of land in above-mentioned Lot A and in the northeast quarter of Section 6, Township 2 North, Range 15 West, Rancho Ex Mission De San Fernando, as shown on map recorded in Book 1, pages 605 and 606, of Patents, in the office of above-mentioned Registrar-Recorder/County Clerk, described as Parcel No. 288B in above-mentioned deed.

Containing: 4.50± acres.



APPROVED AS TO DESCRIPTION

MOVED 10 JULY

COUNTY OF LOS ANGELES

By

LICENSED SURVEYOR

Survey/Mapping and Property Management Division

Reviewed by Surveys & Right-of-Way Group Water Engineering & Technical Services City of Los Angeles Department of Water and Power

Senior Survey Party Chief

Date

Survey Supervisor

Date

Senior Survey Supervisor

Date





